

HOUSE BILL 302

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2003 Regular Session
3r0701
CF 3r0702

By: **Delegate Doory (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Wearing, Carrying, or Transporting a Handgun - Fine**

3 FOR the purpose of establishing maximum fines for certain second and subsequent
4 crimes relating to wearing, carrying, or transporting a handgun; making certain
5 clarifying changes; and generally relating to wearing, carrying, or transporting
6 a handgun.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Law
9 Section 4-203(a)
10 Annotated Code of Maryland
11 (2002 Volume)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 4-203(c)
15 Annotated Code of Maryland
16 (2002 Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 4-203.

21 (a) (1) Except as provided in subsection (b) of this section, a person may not:

22 (i) wear, carry, or transport a handgun, whether concealed or open,
23 on or about the person; or

24 (ii) wear, carry, or knowingly transport a handgun, whether
25 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
26 public, highway, waterway, or airway of the State.

1 (2) There is a rebuttable presumption that a person who transports a
2 handgun under paragraph (1)(i) of this subsection transports the handgun
3 knowingly.

4 (c) (1) A person who violates this section is guilty of a misdemeanor and on
5 conviction is subject to the penalties provided in this subsection.

6 (2) If the person has not previously been convicted under this section, §
7 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

8 (i) except as provided in item (ii) of this paragraph, the person is
9 subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine
10 of not less than \$250 and not exceeding \$2,500 or both; but

11 (ii) if it appears from the evidence that the handgun was worn,
12 carried, or transported on public school property in the State, the person shall be
13 sentenced to imprisonment for not less than 90 days.

14 (3) (i) If the person has previously been convicted once under this
15 section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, the person:

16 1. shall be sentenced[:

17 1.] to imprisonment for not less than 1 year and not exceeding
18 10 years AND IS SUBJECT TO A FINE NOT EXCEEDING \$10,000; but

19 2. if it appears from the evidence that the handgun was
20 worn, carried, or transported on public school property in the State, [to] THE TERM
21 OF imprisonment SHALL BE for not less than 3 years and not exceeding 10 years.

22 (ii) The court may not impose less than the applicable minimum
23 sentence OF IMPRISONMENT provided under subparagraph (i) of this paragraph.

24 (4) (i) If the person has previously been convicted more than once
25 under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any
26 combination of these crimes, the person:

27 1. shall be sentenced[:

28 1.] to imprisonment for not less than 3 years and not
29 exceeding 10 years AND IS SUBJECT TO A FINE NOT EXCEEDING \$10,000; but

30 2. A. if it appears from the evidence that the handgun was
31 worn, carried, or transported on public school property in the State, [to] THE TERM
32 OF imprisonment SHALL BE for not less than 5 years and not exceeding 10 years; or

33 B. if it appears from the evidence that the handgun was
34 worn, carried, or transported with the deliberate purpose of injuring or killing
35 another person, [to] THE TERM OF imprisonment SHALL BE for not less than 5 years
36 and not exceeding 10 years.

1 (ii) The court may not impose less than the applicable minimum
2 sentence OF IMPRISONMENT provided under subparagraph (i) of this paragraph.

3 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The specific
4 fines for this crime were proposed under the rationale that the appropriate maximum
5 fine should be calculated by multiplying by \$1,000 the maximum number of years of
6 imprisonment authorized by statute.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes
8 contained in this Act are not law.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2003.